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CENTRAL FAX CENTER****MAR 12 2007****REMARKS**

Prior to the filing of this response, claims 1-23 were pending in the application.

In this response, claims 1, 15 and 20-21 are amended. Independent claims 1, 15, and 20 are amended to specify that the filter has an arcuate inner circumference and an arcuate outer circumference, and wherein the at least one filter extends radially from the inner circumference to the outer circumference. These claim amendments are supported in the specification, for example, in paragraphs 33-34 and 43-44 of published applications US 2005/0185327 (referred to herein as the Published Application), as well as in Figs. 3, 5, and 8-9. For example, in Figs. 3 and 5 of the Published Application, the inner circumference of the filter element is shown by reference numerals 346 and 546, while the outer circumference is shown by reference numerals 348 and 548.

Claims 4-5, 9-14 and 17-19 are cancelled as drawn to a non-elected invention, and Applicants reserve the right to file at a later date a divisional application related to the subject matter of these claims.

New claims 24-35 are added. The subject matter of the new claims is also supported in the specification, for example, in paragraphs 33-34 of the Published Application, as well as in Figs. 3 and 5.

In view of the above amendments the following remarks, Applicants respectfully request further examination of the application and reconsideration of the rejections set forth in the Office Action dated December 12, 2006.

**I. Objection to the Title**

On page 2 of the Office Action, paragraph 1, the title is objected to as non-descriptive. The Examiner states that the title should include a more detailed structural identification of the feature(s) that distinguish the invention from the prior art.

In response to the objection, the title is amended to specify that the air stream filtration system is adjacent rotational elements of a data storage device.

Application Number 10/785,513

Responsive to Office Action mailed December 12, 2006

MPEP § 606 requires that the title be brief, but technically accurate and descriptive. Applicants respectfully submit that the amended title meets this standard, and reconsideration and withdrawal of the objection are requested.

## **II. Election of Species Requirement**

On page 2 of the Office Action, paragraph 2, claims 4-5, 9-14 and 17-19 are withdrawn from consideration since these claims include non-elected subject matter.

In response, claims 4-5, 9-14 and 17-19 are cancelled without prejudice or disclaimer.

## **III. Claim Rejection Under 35 U.S.C. § 102**

On pages 3-4 of the Office Action, claims 1-3, 6, 7, 15, 16 and 20-23 are rejected under 35 U.S.C. § 102(b) as anticipated by Ekhoﬀ (U.S. Patent No. 6,097,568; hereafter referred to as Ekhoﬀ). Applicant respectfully traverses the rejection to the extent such rejection may be considered applicable to the amended claims. Ekhoﬀ fails to disclose each and every feature of the presently claimed invention, as required by 35 U.S.C. § 102(b), and provides no teaching that would have suggested the desirability of modification to include such features.

The filter described in Ekhoﬀ has a finger-like shape that is designed to perform the "double duty" of directing flow paths and removing potentially damaging particles from the flow paths.<sup>1</sup> This air dam/filter, which is shown in Fig. 5 of Ekhoﬀ, does not have a shape that includes an arcuate inner and outer circumference as presently claimed in independent claims 1, 15 and 20.

For at least this reason, the Ekhoﬀ reference fails to anticipate the subject matter of claims 1, 15, 20 and their dependents, including claims 2-3, 6-8, 16, and 21-35, under 35 U.S.C. § 102(b). Reconsideration and withdrawal of this anticipation rejection are respectfully requested.

Further, the Examiner has not established that Ekhoﬀ would provide one of ordinary skill in the art with any incentive to modify the air dam to include the presently claimed shape. The presently claimed filter element occupies considerably more angular space adjacent to or between a disc than the air dam filter described in Ekhoﬀ, and this large filtration element surface area

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<sup>1</sup> See, e.g. col. 5, lines 44-50 and reference numeral 42 in Fig. 5.

Application Number 10/785,513  
Responsive to Office Action mailed December 12, 2006

would be expected to provide more effective removal of debris than the finger-like filter element described in Ekhoff. In view of the above, Applicants respectfully submit that the subject matter of claims 1-3, 6-8, 15-16 and 20-35 would not be *prima facie* obvious under 35 U.S.C. § 103 over Ekhoff.

#### **IV. Claim Rejection Under 35 U.S.C. § 103**

On pages 4-5 of the Office Action, paragraph 6, claim 8 is rejected under 35 U.S.C. § 103(a) as obvious over Ekhoff, and further in view that official notice is taken of the many types of filtering materials which are commercially available and adaptable to filter requirements in disk drives. Applicant respectfully traverses the rejection to the extent such rejections may be considered applicable to the claims as amended. The applied references fail to disclose or suggest the inventions defined by Applicant's claims, and provide no teaching that would have suggested the desirability of modification to arrive at the claimed invention.

As noted above in Section III of this response, the Ekhoff reference fails to teach or suggest a filter element for a data storage device having the presently claimed shape. For at least this reason, Applicants respectfully submit that claim 8, which depends indirectly from claim 1, would not be *prima facie* obvious under 35 U.S.C. § 103 in view of Ekhoff. Reconsideration and withdrawal of the cited obviousness rejection are respectfully requested.

Application Number 10/785,513  
Responsive to Office Action mailed December 12, 2006

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### CONCLUSION

All claims in this application are in condition for allowance. Applicant respectfully requests reconsideration and prompt allowance of all pending claims.

Please charge any additional fees or credit any overpayment to deposit account number 50-1778.


If questions remain regarding this response, or if the Examiner wishes to discuss any aspect of the present application, please contact the undersigned.

Date:

By:

March 12, 2007

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